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FORM PTO-2053-B (REV. 10/03)

Approved for use through 07/31/2006.OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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In re Application of: Affolter et al.  
Application No.: 09/936,367  
Filing Date: January 27, 2002  
Title: EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI  
MOLD IN THE PRESENCE OF CARBON SOURCES

Direct to: Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NOTICE UNDER 37 CFR 1.251 – Pending Application****Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☒ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

March 17, 2005

Date

Signature

Robert M. Barrett (Reg. No. 30,142)

Typed or printed name

**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Affolter et al.  
Appl. No.: 09/936,367  
Conf. No.: 4325  
Filed: January 23, 2002  
Title: EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE  
PRESENCE OF CARBON SOURCES  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112843-29

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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE UNDER 37 CFR §1.251**

Sir:

This Response is submitted in response to the Notice Under 37 CFR §1.251 dated  
December 17, 2004.

REMARKS

Applicants are respectfully submitting this response to the Notice Under 37 CFR §1.251 (“Notice”) as discussed above. In the Notice, the Patent Office states that MISCELLANEOUS INCOMING LETTER-8-6-2001 allegedly pertaining to the present application cannot be located after a reasonable search, and thus, the Patent Office is initiating the reconstruction of such paper pursuant to the provisions of 37 CFR §1.251.

In response, Applicants respectfully submit that they do not possess any record of correspondence with the Patent Office regarding the MISCELLANEOUS INCOMING LETTER-8-6-2001 identified in the Notice and discussed above for the above-referenced patent application. Applicants are also submitting herewith a completed form provided by the Patent Office along with the Notice and entitled “NOTICE UNDER 37 CFR 1.251-Pending Application” that indicates same. Therefore, Applicants believe that this Response is responsive to the Notice, and thus, respectfully request that the Notice be withdrawn.

Accordingly, Applicants respectfully request that the present application be examined in an early and favorable manner.

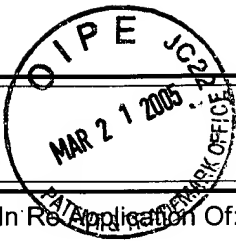
Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

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Phone: (312) 807-4204

Dated: March 17, 2005



**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
112843-029

In Re: Application Of: Affolter et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/936,367	January 23, 2002	Unknown	24573	1645	4325

Title: **EXPRESSION OF PROTEOLYTIC ENZYMES IN KOJI MOLD IN THE PRESENCE OF CARBON SOURCES**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Response to Notice Under 37 CFR §1.251 (2 pages); Notice Under 37 CFR 1.251 - Pending Application (1 page); Postcard.**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Signature*

Dated: **March 17, 2005**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**March 17, 2005**

(Date)

*Signature of Person Mailing Correspondence*

**Robert M. Barrett**

*Typed or Printed Name of Person Mailing Correspondence*

CC: